

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GILBERT SEGAL, JR.,

Plaintiff,

-against-

NEW YORK MILITARY ACADEMY;  
RESEARCH CENTER ON NATURAL  
CONSERVATION INC.; ASSOCIATION OF  
MILITARY COLLEGES AND SCHOOLS OF  
THE UNITED STATES; JOHN DOES 1-6,

Defendants.

21-CV-6872 (LTS)

ORDER DIRECTING PAYMENT OF FEES  
OR AMENDED IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed in forma pauperis (“IFP”), that is, without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff submitted an IFP application, but his responses do not establish that he is unable to pay the filing fees. Plaintiff states that he has been unemployed since April 2018, and in response to the question on the IFP application asking him to specify his source of income, including the amount received and the amount expected to be received in the future, Plaintiff writes, “I received a settlement in West Virginia.” (ECF 1, at 2.) But Plaintiff does not state the amount of the settlement or when he received it. Plaintiff further indicates that he has \$1.00 in a checking account and does not own any property or thing of value. In response to the question on the IFP application asking him to describe his monthly expenses, Plaintiff writes, “N/A.” (*Id.*) Plaintiff fails to answer the question on the IFP application about people who are dependent on him for support, and where asked to describe any debts or financial obligations and the amount of those obligations, Plaintiff writes, “Wells Fargo PCL debt.” (*Id.*) Because of Plaintiff’s failure

to fully answer the questions about his financial status, the Court does not have sufficient information to determine whether Plaintiff lacks sufficient funds to pay the filing fees for this action.

Accordingly, within thirty days of the date of this order, Plaintiff must either pay the \$402.00 in fees or submit an amended IFP application. If Plaintiff submits the amended IFP application, it should be labeled with docket number 21-CV-6872 (LTS), and address the deficiencies described above by providing facts to establish that he is unable to pay the filing fees. Plaintiff must fully answer the questions as they pertain to his financial situation. If the Court grants the amended IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: August 30, 2021  
New York, New York

/s/ Laura Taylor Swain  
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LAURA TAYLOR SWAIN  
Chief United States District Judge